

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No. 21-cv-12592

Honorable:

vs.

Mag. Judge:

SMITH & WESSON M&P 380 Pistol
CAL:380 SN:KBV2134; GLOCK
INC. 19GEN5 Pistol CAL:9
SN:BNSP175; BUSHMASTER
FIREARMS CBA Hunter Rifle
CAL:450 SN: 610605062618,

Defendants *in rem*.

Complaint for Forfeiture

Plaintiff, the United States of America, by and through Saima S. Mohsin,
Acting United States Attorney for the Eastern District of Michigan, and Catherine
E. Morris, Assistant United States Attorney, states the following in support of this
Complaint for Forfeiture:

Jurisdiction and Venue

1. This is an *in rem* civil forfeiture action under 18 U.S.C. § 924(d)
related to a violation or violations of 18 U.S.C. § 922(g)(3).

2. This Court has original jurisdiction over this forfeiture action under 28 U.S.C. § 1345 because this action is being commenced by the United States of America as Plaintiff.

3. This Court has jurisdiction over this forfeiture action under 28 U.S.C. § 1355(b)(1)(A) and (B) because the acts giving rise to the forfeiture occurred in the Eastern District of Michigan and because the property was found in this district.

4. Venue is proper before this Court under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to this action occurred in the Eastern District of Michigan.

5. Venue is also proper before this Court under 28 U.S.C. § 1395(b) because the Defendants *in rem* were found and seized in the Eastern District of Michigan.

Defendants *in rem*

6. The Defendants *in rem* consist of:
- a. SMITH & WESSON M&P 380 Pistol CAL:380 SN:KBV2134;
 - b. GLOCK INC. 19GEN5 Pistol CAL:9 SN:BNSP175; and
 - c. BUSHMASTER FIREARMS CBA Hunter Rifle CAL:450 SN:610605062618.

7. Members of the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), Michigan State Police ("MSP") and Detroit Police Department ("DPD") seized the Defendants *in rem* in Detroit, Michigan on May 20, 2021.

8. The Defendants *in rem* are currently in the custody of the ATF.

Statutory Basis for Civil Forfeiture

9. Title 18 United States Code, Section 924(d) authorizes the civil forfeiture of the following:

- (1) any firearm or ammunition involved in or used in any knowing violation of subsection (a)(4), (a)(6), (f), (g), (h), (i), (j), or (k) of section 922 ... or any violation of any other criminal law of the United States, or any firearm or ammunition intended to be used in any offense referred to in paragraph (3) of this subsection ...

Factual Basis in Support of Forfeiture

10. The Defendants *in rem* were involved in a knowing violation or violations of 18 U.S.C. § 922(g)(3) and are therefore subject to federal forfeiture pursuant to 18 U.S.C. § 924(d). Evidence supporting forfeiture includes, but is not limited to, the following:

- a. On May 20, 2021, ATF agents, along with MSP and DPD officers, executed a federal search warrant at XX23 Waterman Street,

Detroit, MI related to Miguel Torres and Samuel Rosado (“Rosado”) for evidence of federal firearms and narcotics violations.

b. Inside of the residence, agents and officers encountered Melinda Begley (“Begley”) in the living room area exiting the master bedroom and Rosado exiting the bathroom located to the rear of the residence. Rosado and Begley were instructed to get on the ground and put their hands in the air and both were handcuffed without incident.

c. Rosado was interviewed during the seizure warrant execution and again at the ATF office located at 1155 Brewery Park, Detroit, MI and stated the following:

- i. that he has lived at XX23 Waterman Street, Detroit, MI for fifteen years with Begley
- ii. that he smokes marijuana daily and purchases his marijuana from a bar in his neighborhood;
- iii. that he has previously used cocaine every week or every other week; and
- iv. that he owns a 9mm handgun, a Dellinger firearm and one 450 Bushmaster firearm.

d. Begley was interviewed at the seizure warrant execution and stated the following:

- i. that she and Rosado live at XX23 Waterman, Detroit, MI;
- ii. that she is a “weed head”;
- iii. that she has been using marijuana every day since she was eleven years old;
- iv. that she smokes marijuana ten to fifteen times per day;

- v. that she purchased one of the Defendants *in rem*, a Smith and Wesson M & P 380; and
- vi. that she signed a document at the location where she purchased the firearm and that she is aware that she is unable to use a controlled substance and possess a firearm.

e. Defendants *in rem* were seized during the execution of the search warrant.

Claim for Relief

11. Plaintiff re-alleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 10.

12. The Defendants *in rem* are forfeitable to the United States of America under 18 U.S.C. § 924(d) because they were involved in a knowing violation or violations of 18 U.S.C. § 922(g)(3).

Conclusion and Relief

Plaintiff respectfully requests that this Court issue warrants for arrest of the Defendants *in rem*; that due notice be given to all interested parties to appear and show cause why forfeiture should not be decreed; that judgment be entered declaring the Defendants *in rem* condemned and forfeited to the United States for disposition according to law; and, that the United States be granted such further relief as this Court may deem just and proper, together with costs and disbursements of this action.

Respectfully submitted,
Saima S. Mohsin

Acting United States Attorney

S/Catherine E. Morris
Catherine E. Morris (P84371)
Assistant U.S. Attorney
211 W. Fort Street, Ste. 2001
Detroit, Michigan 48226
(313) 226- 9562
Catherine.Morris@usdoj.gov

Dated: November 4, 2021

VERIFICATION

I, Troy Williams, state that I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives. I have read the foregoing Complaint for Forfeiture and declare under penalty of perjury that the facts contained therein are true and correct based upon knowledge possessed by me and/or upon information received from other law enforcement agents.



Troy Williams, ATF TFO

Dated: November 2, 2021